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EAST TIMOR

The September and October 1995 riots: Arbitrary detention and torture

15 January 1996 SUMMARY AI INDEX: ASA 21/03/96
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In September and October 1995, East Timor experienced the worst disturbances since riots during the Asia Pacific Economic Cooperation (APEC) meetings in Indonesia in November 1994. The latest disturbances resulted in damage to property and injuries sustained by rioters and police. The response by the authorities included arbitrary detention, beatings and torture. At least 300 people were arbitrarily detained in the wave of arrests which followed the riots. Most of these people were released shortly after their arrests, but at least 43 are now believed to be facing trial for their alleged involvement in the riots. Amnesty International does not condone the acts of violence which occurred during the riots, but is concerned that the Indonesian security forces used the riots as a pretext to arrest individuals involved in peaceful pro-independence activities and that those now facing trial do not have full access to lawyers of their own choice, and that their chances of a fair trial are remote.

Despite the authorities' denial that any of those arrested were tortured or ill-treated, Amnesty International received reports and testimony indicating that members of the security forces did torture and beat those detained in September and October. At the time that the authorities were denying reports of torture, one detainee was beaten and tortured by members of the army and the police and then released with a doctor's report saying that his health was good. Amnesty International has also obtained testimonies of East Timorese who sought asylum after entering foreign embassies in Jakarta, Indonesia from September to November 1995. Their testimonies reveal details of grave human rights violations, including arbitrary detention and torture during September and October 1995.

This document provides background to the riots, details about the practice of arbitrary detention and torture and concludes with recommendations to the Indonesian Government.

KEYWORDS: CIVIL UNREST1 / ARBITRARY ARREST1 / TORTURE/ILL-TREATMENT1 / POLITICAL ACTIVISTS / FAMILIES / WOMEN / STUDENTS / JUVENILES /

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EAST TIMOR
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In September and October 1995, East Timor experienced the worst disturbances since riots during the Asia Pacific Economic Cooperation (APEC) meetings in Indonesia in November 1994. The latest disturbances resulted in damage to property and injuries sustained by rioters and police. The response by the authorities included arbitrary detention, beatings and torture. At least 300 people were arbitrarily detained in the wave of arrests which followed the riots. Most of these people were released shortly after their arrests, but at least 43 are now believed to be facing trial for their alleged involvement in the riots. Amnesty International does not condone the acts of violence which occurred during the riots, but the organisation is concerned that the Indonesian security forces used the riots as a pretext to arrest individuals involved in peaceful pro-independence activities and that those now facing trial do not have full access to lawyers of their own choice, and that their chances of a fair trial are remote.

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This document provides background to the riots, details about the practice of arbitrary detention and torture and concludes with recommendations to the Indonesian Government.

Background

In December 1995, East Timor marked 20 years of Indonesian rule. November 1995 was also the fourth anniversary of the 1991 Santa Cruz massacre in Dili, when soldiers fired on peaceful demonstrators. Indonesian authorities attempted to ensure that East Timorese were restricted in their ability to commemorate these anniversaries by increasing military surveillance, carrying out arrests prior to such events, and frequently interrogating well-known or alleged pro-independence activists. Independent observers stated that the authorities also attempted to prevent or disrupt any planned demonstrations by disseminating information about religious conflict and provoking disputes between pro-independence and pro-integrationist East Timorese.

Five days of intense rioting began on 6 September in Maliana, some 120km west of Dili, following local anger about government inaction over an insulting statement about the Catholic religion made by a prison official in Maliana.[1] Independent sources allege that the military provoked the unrest by disseminating information about the statement. By 7 September news about the statement had spread to the town of Viqueque, where trading stores belonging to Indonesian migrants were burnt down. On 8 September, demonstrations broke out in six different locations in Dili. On 9 September, the Comoro Market was burnt down, while police and military continued to attempt to disperse demonstrators in several areas around Dili. Police were reportedly injured during the disturbances. By 10 September, the demonstrators appeared to have dispersed, however tension remained as the security forces continued with their arrests. Along with riots in Dili, Maliana and Viqueque, disturbances were also reported in Liquiza, Maubesse and Suai.

Unrest flared again in Dili on 10 October, with clashes between those opposing and those supporting East Timor's integration with Indonesia. Groups of youths blockaded off sections of Dili. There were reports of sporadic shooting and the use of tear gas by the authorities. The disturbances lasted for four days and the clashes resulted in dozens of injuries. After the security forces had quelled the riots, the level of military surveillance of Dili was reportedly high with members of the security forces patrolling the streets and conducting house searches of those allegedly connected with the riots.

The disturbances were immediately followed by comment from the authorities that the riots were caused by religious conflict between the majority East Timorese Catholics and Indonesian migrants, most of whom are Muslims. Pro-government commentators supported this and highlighted the plight of Indonesian Muslim migrants to East Timor who fled after the riots. Many observers argued however that the authorities ignored the political motive behind the riots and disturbances, in order to generate sympathy for East Timor's integration into Indonesia, and to marginalise pro-independence sentiments. Independent sources also alleged that the military provoked the unrest in September and the subsequent rioting in Dili in October through the use of *agents provocateurs*, setting different East Timorese groups against each other and by attempting to exacerbate religious conflicts.

Arrests

At least 300 people are believed to have been arrested for their alleged involvement in the riots. Up to 43 are now thought to be currently facing trial.[2] In September, at least 60 were

[1]The prison warden, Sanusi Abubakar, has now been sentenced to at least four years in prison for insulting a religion.

[2]See enclosed list.

reportedly detained by both police and military officers during one week alone. Arrests took place in Maliana, Viqueque, Dili and Manatuto. Up to 262 people were detained in October. On 20 October, the East Timorese Police Chief announced that 162 were being held by police for questioning while 100 had been released. The authorities have not provided an official list of those still detained and awaiting trial. Indonesian police authorities have stated that the group will be brought to trial under charges of destruction to property, assault and arson, probably under Article 170 of the Indonesian Criminal Code. Amnesty International is concerned that all 43 do not have full access to their families and lawyers of their choice.

Amnesty International is concerned that the arrests which took place were arbitrary in that security forces arrested individuals who were known to be political activists not necessarily connected with the riots, and that those detained were often held beyond the legal limit without being charged. Some of those detained appear to have either had no involvement in the riots, to have been engaging only in peaceful activities or to have been arrested on previous occasions. Indonesian authorities have attempted to deny the political nature of any of the arrests. East Timor's police chief, Colonel Andreas Sugianto stated on 25 September that those arrested "have all done purely criminal actions, they are not subversives".

The organisation is further concerned that those who were detained were arrested in a manner which is in contravention of Indonesian law and international standards, were denied access to lawyers and that those still in detention are now facing the prospect of unfair trials. The arrests followed a similar pattern, with some or all of the following characteristics:

- detainees were arrested without warrants;
- detainees appear to have been frequently moved from one detention centre to another, including being moved from police to military detention;
- records of those detained were not kept by the authorities;
- detainees were not given, or provided with the opportunity to request, access to legal counsel of their choice;
- detainees were held beyond the legal 24 hour limit without being formally charged;
- many of those detained were subjected to intimidation, threats, ill-treatment, beatings and torture.

All of these practices are consistent with previous reports provided to Amnesty International concerning arrest and detention in East Timor, practices which are clearly intended to restrict pro-independence activities.

Two of those detained were brothers, both of whom were arrested in lieu of a third brother, who is known to the authorities to be involved in pro-independence activities. They were arrested on about 12 October in Dili. One brother was reportedly arrested from his home by both military and police officers and taken into police custody. The second was arrested from a street and allegedly beaten as he was being placed in a vehicle and taken to a local police station in Dili. On arrival at the police station, he was allegedly tortured with electric shocks by both police and military officers. The two were reportedly held for one week and do not appear to have been given the opportunity to ask for independent legal counsel.

After one week, the third brother surrendered himself to the same local police station and his two brothers were released. He was questioned for a day in the presence of a priest who had accompanied him to the police station, and then released. One week later, members of the security forces came to his house in search of him. He was not at home, but later again surrendered himself to police custody. This time, however, arrangements were made to take him to the military intelligence unit (*Satuan Tugas Intelijen* - SGI) of the Sub-Regional Military Command for East Timor (KOREM 164/Wira Dharma). Fearing possible torture at the hands of the military at SGI, he escaped while being taken to the SGI headquarters. He fled East Timor shortly after.

In September, another man was arrested after he was suspected of involvement in a demonstration. He was allegedly arrested from outside the Dili Cathedral by officers from SGI and taken to a military detention centre in Los Palos, outside of Dili. He was detained for three days during which time he was beaten and questioned about other East Timorese involved in pro-independence activities. Another young East Timorese, was arrested around 8 October in Bidau by police and first detained at a local police station. He was then transferred to SGI where he was allegedly beaten and tortured, which resulted in two teeth being knocked out.

Torture

Torture and ill-treatment of political detainees in East Timor is routine and the detainees from the riots in September and October have not been exempted from this treatment. Amnesty International is concerned that attempts by the Indonesian authorities to restrict access for independent human rights monitors and journalists to East Timor exacerbates the risks for those still in detention. East Timorese who have experienced arrests and detention in recent years state that the authorities will frequently transfer individuals from police to military detention if the police are having difficulties extracting information or intelligence

from detainees. While torture and ill-treatment is reportedly conducted by police, the methods employed by military officers, which routinely involve beatings and torture, are considered to be more effective in obtaining information.

One witness to the September arrests reported meeting an individual just released after three days in detention who had bruises and dried blood on his face. Other witnesses reported seeing detainees with laceration wounds. East Timorese legislator Manuel Carrascalao reported that detainees he met with complained of having been beaten. Other reports included that of a female student injured by members of the security forces which resulted in a severe wound to her arm. Like other cases reported to Amnesty International, the woman was too frightened to seek medical treatment in hospital unless accompanied by witnesses. There were also unconfirmed reports that 11 female school students were arrested on 9 September and that two were raped by soldiers.

Another individual detained in early September by SGI was immediately hit after being placed in an interrogation room at SGI. He was told not to provide information to anyone, including human rights monitors, about the way he was treated or he would be killed. After being detained and interrogated for around four hours, he was released. Two days later, about 20 uniformed military officers came to his house searching for him. He was not there, and managed to flee East Timor shortly after.

Another detainee who was tortured was Tito who was arrested by military officers on 9 September in Bidau, Dili, despite the fact that he claimed to have had no involvement in the riots. Upon arrest, he was beaten with iron bars and fists. Then, as he was being taken to a military hospital, he was beaten again and soldiers stood on his throat and kicked him in the chest. The next day, he was beaten again and as a result his nose bled and he vomited blood. He was then taken to the Dili Police Headquarters, where, despite his condition, he was again beaten. The following day, 12 September, he was beaten again. He was then released that night.

On his release, Tito was given a certificate signed by a doctor at the Police Headquarters which stated that he was in good health. Witnesses who met with him after his release reported that Tito appeared to have been severely ill-treated in detention. His face was bruised, swollen and lacerated and both eyes were bruised. One hand was swollen and there was bruising on his body and he could not walk properly.

As in most cases of arbitrary detention in East Timor, Tito was arrested without a warrant. His family do not appear to have been provided with information about his whereabouts, nor did he appear to have been given access to a lawyer during his time in detention. He was not provided with a release form. Records of detainees are rarely kept in East Timor, so it is unlikely that Tito's detention will have been recorded.

Komnas HAM inquiry - a disappointment

Indonesia's National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia - Komnas HAM*) travelled to East Timor to investigate reports of violations during the September riots. The Commission's findings disappointed many observers. Rather than focusing on the human rights violations committed by the security forces in East Timor, the Commission concluded that there were violations committed by one group in East Timor against another, believed to be a reference to attacks by the Catholic majority in East Timor against the Muslim Indonesian migrants.

The Commission's report stated that violations were committed by "one group in the community against another", including violations of the right to freedom of religion, personal safety, right to hold property, right to a decent living and freedom from fear. The findings made no comment on the large number of arbitrary arrests or on torture and ill-treatment by the security forces. The recommendations made by Komnas HAM in the Commission's findings did not relate to steps which could protect individuals from human rights violations committed by the security forces, including arbitrary arrest and torture, but rather focused on issues of inter-ethnic conflict within East Timor. Amnesty International does not condone any acts of violence which took place during the riots however the organisation is concerned that the Commission, a body for which the Indonesian Government receives increasing praise internationally, has in this case failed to seriously consider violations committed by the security forces.

The Commission's disappointing findings come at a time when Komnas HAM has announced that it will open an office in East Timor. Amnesty International considers that the Commission's current legal basis, the lack of clarity concerning its focus and its structure and working methods do not equip it to be an effective monitoring body for human rights violations in East Timor. This view is echoed by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions. In his December 1994 report on the Indonesian Government's efforts to investigate the fate of those killed and missing during the 1991 Santa Cruz massacre in Dili, the Special Rapporteur stated:

> *...the National Human Rights Commission is not the most appropriate mechanism to deal with human rights violations in East Timor. Its mandate, the means of action at its disposal and its methods of work are insufficient. Furthermore, it is not trusted by the population of East Timor. In any event, it has not dealt with questions relating to East Timor. Consequently, the Special Rapporteur recommends that a commission for human rights in East Timor be created to monitor the situation of human rights, receive and independently*

investigate complaints, make recommendations to the competent authorities, and disseminate information about human rights.[3]

Conclusions and recommendations

The human rights violations which occurred during and after the riots are consistent with an existing pattern in East Timor. They demonstrate a lack of willingness on the part of the government to allow peaceful pro-independence activities in East Timor, and to ensure that members of the security forces act in accordance with international standards relating to the protection of human rights.

In order to prevent the practices of arbitrary detention of political activists and torture and ill-treatment, Amnesty International urges the Indonesian Government to:

- ensure that there is independent and thorough monitoring of human rights in East Timor, by allowing independent domestic and international human rights monitors and international journalists access to East Timor;
- stop the practice of arbitrary detention of alleged political activists;
- ensure that those detained are released unless charged with a recognisably criminal offence;
- allow those in detention immediate access to lawyers of their own choice;
- maintain an open prison register;
- ensure that the recent reports of torture in detention are immediately and impartially investigated and that those members of the security forces found responsible are held to account;
- ensure that those charged for their alleged role in the riots are tried in accordance with international standards on fair trials.

[3] Commission on Human Rights, 51st Session, Extrajudicial, summary or arbitrary executions, Addendum Report by the Special Rapporteur, Mr Bacre Waly Ndiaye, on his mission to Indonesia and East Timor from 3 to 13 July 1994, E/CN.4/1995/61/Add.1, page 27.

Appendix
List of those believed to be awaiting trial for their alleged role in the September and October 1995 disturbances, Dili, East Timor

Name	Place of detention	Charges
Fernando Soares, 19, Becusi, Dili	Polwil - Dili	Article 170 - violence against persons or property
Tomas Ribeiro, 20, Motacelun Concelho, Viqueque	"	"
Filipe da Cruz, 18, Aiasa Bobonaro	"	"
Agusto Soares, 19, Becora	"	"
Fransisco Soares, 19, Becusi	"	"
Pedro da Costa, 20, Lahane	"	"
Abel Antonio Fernandes, 22, Matadouro	"	"
Jimi Rui Soares, 23, Matadouro	"	"
Marcelino de Olivera, 19, Matadouro	"	"
Jose Manuel, 17, Matadouro	"	"
Tomas Ricardo, 17, Matadouro	"	"
Antoninho dos Santos, 15, Matadouro	"	"
Julio Carvalho de Olivera, 19	"	"
Jose Ximenes, Bairopite	"	"
Bobby Xavier, 23, Matadouro	"	"
Jose Carlos, Matadouro	"	"
Jose Manuel, 22, Lahane	"	"

Aleixo Cobra, 24, Dili	"	"
Donancio de Jesus Amaral, 20, Matadouro	"	"
Joaquim Manuel, 23, Matadouro	"	"
Antonio dos Santos, 20, Maubara	"	"
Francisco Xavier, 20, Matadouro	"	"
Adelino Cabral	"	"
Reinaldo, 17, Matadouro	"	"
Onorio M, 15, Matadouro	"	"
Dominggos G	"	"
Cesario Cabral, Toko Baru	"	"
Estavilau, Bairopite	"	"
Eugino Pinto, Becora	"	"
Jose Galucho, Vilaverde	"	"
Elisario, Toko Baru	"	"
Mudico, Toko Baru	"	"
Jose da Cunha	"	"
Pedro Gomez	"	"
Dominggos Pereira	"	"
Adrianus Periera	"	"
Manuel da Silva	"	"
Marcal da Silva	"	"
Manuel Sumbang	"	"
Augusto Corera	"	"
Jimmy Carlos Tilman	"	"
Adolfo de Araujo	"	"
Manuel Amaral	"	"